

Notice of Allowability	Application No.	Applicant(s)	
	10/617,177	POLSENSKI ET AL.	
	Examiner	Art Unit	
	Dr. Kailash C. Srivastava	1655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 23 September 2005.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|

Examiner's Amendment/Comments

1. Applicants' response filed 23 September 2005 to Office Action mailed 28 March 2005 is acknowledged and entered.

CLAIMS STATUS

2. Claims 1-30 are pending and examined on merits.
3. In view of applicant's arguments filed 23 September 2005 to Office Action mailed 28 March 2005, Examiner herewith withdraws:
 - o Obvious Type Double Patenting Rejections to Claims 1-25 over U.S. Patents, 5,919,689 and 6,342,386;
 - o Enablement and Scope rejections to claims 1-25 under 35 U.S.C. §112, first paragraph;
 - o Rejections to claims 6-8, 13-15, 17-19 and 22-23 under 35 U.S.C. §112, second paragraph;
 - o Anticipatory rejection to claims 1-5, 7-16 and 19-25 under 35 U.S.C. §102 (b) as anticipated by Selvig et al (U.S. Patent 5,919,689);
 - o Obviousness rejection to claims 1-5, 7-16 and 19-25 under 35 U.S.C. §103(a) as obvious over Selvig et al (U.S. Patent 5,919,689) in view of Powers et al (U.S. Patent 6,342,386).

in the Office Action cited *supra*.

Examiner's Amendment

4. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 CFR §1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview on 22 November 2005 with Mr. C. E. Van Horn, Applicants' Representative.

In the Claims:

Claims 26-30 are cancelled.

Claim 1 is amended as follows:

At Line 5, --(a)--has been inserted after the word, "from";

At line 6:

--(b)-- has been inserted before the word, "an";

--enzyme-- has been inserted before the word, "or";

- (c)-- has been inserted after the word, "or"; and
--(d-- has been inserted after the word "a" .

EXAMINER'S REASONS FOR ALLOWSNCE

5. The following is Examiner's statement of reasons for allowance:

The closest prior art are:

Selvig et al (U.S. Patent 5,919,689), and
Powers et al (U.S. Patent 6,342,386).

The presently claimed article having a coating on at least a portion of a surface , wherein the coating comprises at least two layers, the first layer of said coating comprising at least one microorganism which produces at least one amylolytic or proteolytic enzyme, and a second layer, different from said first layer, contains at least one ingredient selected from (a) a microorganism that produces at least one amylolytic or proteolytic enzyme, (b) an amylolytic enzyme, or (c) proteolytic enzyme, and (d) a nutrient for said microorganism of the at least one first layer and further an acrylic binder is not taught or fairly suggested by the references of record because presently claimed invention teaches a multilayered coating on a surface that is different in composition and arrangement than the teachings of any of the cited prior art.

Any comments considered necessary by applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


6. Claims 1-25 are allowed.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kailash C. Srivastava whose telephone number is (571) 272-0923. The examiner can normally be reached on Monday to Thursday from 7:30 A.M. to 6:00 P.M. (Eastern Standard or Daylight Savings Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Terry McKelvey, can be reached on (571)-272-0775 Monday through Friday 8:30 A.M. to 5:00 P.M. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (i.e., PAIR) system. Status information for the published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (i.e., EBC) at: (866)-217-9197 (toll-free). Alternatively, status inquiries should be directed to the receptionist whose telephone number is (703) 308-0196.


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RALPH G. GORMAN
PRIMARY EXAMINER
GROUP 1200

November 22, 2005